

(2005) 08 JH CK 0035

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1185 of 2005

Manish Hari Nandan and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-08-2005

Acts Referred:

Citation : (2005) 4 JCR 207

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A.K. Mehta, for the Appellant; Sheela Prasad, G.P. IV, for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the petitioners for direction on the respondents to publish their results of final I.T.I., examination.

2. According to the petitioners, they were admitted in I.T.I., Gorhwa. The 1st and 4th petitioners, namely, Manish Hari Nandan and Sanjay Kumar were admitted for the session 2001-03 in the Motor Mechanic Vehicle faculty on 6th May, 2002 where as the 2nd and 3rd petitioners, namely, Rajnish Ranjan and Chintesh Kumar were admitted for the session 2001-03 for the faculty "Fitter" on 6th May, 2002.

3. The grievance of the petitioners is that though they had completed their classes for the session 2001-03 and appeared in the examination held in July, 2003 at Industrial Training Institute of Palamau, but their results have not been published though the results of other students have been published in August, 2004.

4. The 3rd respondent, Director, labour Employment and Training Department, Government of Jharkhand, Ranchi has appeared and taken plea that the petitioners' admissions are illegal; They were illegally admitted by the Incharge Principal of I.T.I., Garhwa. This has come to the notice of the authorities and

enquiry committee submitted report on 6th July, 2003 showing the illegal admission of petitioners. The Controller of Examination and others were also asked not to register the petitioners and others who have been illegally admitted which was communicated vide letter No. 451, dated 5h July, 2005. But in spite of the same the Incharge Principal, I.T.I., Garhwa who had no jurisdiction but allowed the petitioners to appear in the examination provisionally.

5. Learned Counsel for the respondents submitted that the petitioners cannot get any benefit on the basis of their appearance in examination which was allowed provisionally.

6. Learned Counsel for the petitioners relied on a decision of Supreme Court in the case of Shri Krishnan Vs. The Kurukshetra University, Kurukshetra, . In the said case the Supreme Court held that once a candidate is allowed to take the examination rightly or wrongly then the statute which empowers the University to withdraw the candidature of the applicant has worked itself and the candidate cannot be refused admission subsequently for any infirmity which would have been looked into before giving permission to the candidate to appear.

7. Reliance was also placed on an un-reported decision of Patna High Court in the case of "Sri Krishna Singh v. State of Bihar and Ors., dated 14th May, 2004 passed in CWJC No. 12442 of 2003. That was the case in which the petitioner Sri Krishna Singh was admitted in I.T.I., Muzaffarpur for the session 1999-2000. He appeared at the final examination held in the month of July, 2000 but his result was not published. When he moved before the High Court, the respondents took the plea that the admission of the said student was not as per Rule and as such the registration had been cancelled. Having noticed the Supreme Court decision in the case of Shri Krishnan Vs. The Kurukshetra University, Kurukshetra, , the Patna High Court allowed the writ petition and directed the respondent to publish the result of the petitioner.

8. In the present case the petitioners were admitted for the session 2001-03. The Incharge Principal allowed them to appear in the examination in 20,03. Though the Controller of Examination was asked not to register the petitioner but till date no information has been given to the petitioners, nor their admissions have been cancelled.

9. From the report submitted by the authorities it appears that some of the students, including the petitioner Sanjay Kumar (4th petitioner) belong to a different State. Therefore, admission of Sanjay Kumar (4th petitioner) was held to be improper on one of the grounds that four students were admitted against one seat of outside the District. Similarly one or other infirmities were found in the admission of some of the students including the petitioners. With regard to Rajnish Ranjan (2nd petitioner) and Chintesh Kumar (3rd petitioner) it was mentioned that they belong to different State and different District and thereby their admissions were held to be illegal.

10. I have doubt whether admission of one or other candidates can be declared

illegal only on the ground that the students belongs to some other District or other State. However, I am not inclined to determine the said issue in the present case. The petitioners were not informed that their admissions were illegally made nor such admissions have been cancelled till date.

11. In the facts and circumstances, admissions of petitioners in I.T.I. having not been cancelled, they having been allowed to appear in the examination held in the year 2003 and in view of the decision of the Supreme Court in the case of Shri Krishan (Supra), I direct the respondents to publish the result of the petitioners immediately, not beyond the period of four weeks from the date of receipt/production of a copy of this order.

12. If so required, they may ask the petitioners to deposit the requisite fees for registration of their names.

The writ petition is allowed with aforesaid observations and directions.